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PATENT  
DON04 P-945

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Evelyn A. Lester  
Group : 2873  
Applicant : Niall R. Lynam  
Serial No. : 09/973,320  
Filed : October 9, 2001  
For : REDUCED ULTRAVIOLET RADIATION TRANSMITTING,  
VARIABLE TRANSMISSION, GLAZING ASSEMBLY

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

RESPONSE

Responsive to the Office Action mailed June 24, 2002, in the above-identified patent application, Applicant wishes to respond as follows.

Supplemental Information Disclosure Statement

Initially, it is noted that a Supplemental Information Disclosure Statement enclosing a copy of U.S. Patent No. 6,304,363 is attached for consideration by the Examiner. U.S. Patent No. 6,304,363 issued from the parent of the present application.

Claims Rejections

Claims 76-357 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. More specifically, the Examiner states that, in view of the nature and scope of Applicant's invention, claims 76-357 are unduly multiplied which confuses the scope and understanding of the claimed invention.

Applicant respectfully traverses this rejection for the reason that a significantly large filing fee has been paid for this application, namely, \$5540, and Applicant feels that such a large fee justifies examination of all of the claims which have been submitted. In addition, with respect to the alleged large degree of repetition and multiplicity asserted by the Examiner, Applicant submits that the series of dependent claims on each of the four independent claims 76, 142, 215, and 285, are similar to one another but dependent from different independent claims thereby not presenting an unreasonable burden on the Examiner.

It is respectfully submitted that the scope of Applicant's invention and an understanding of

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the claimed invention is not compromised or obscured by the originally submitted claims 76-357, but rather clearly defines the invention and its scope. These claims clearly differ from one another and there is no difficulty in understanding the scope of protection requested. In addition, it is respectfully submitted that the public, when reading a patent granted on these claims, would not be confused. Simply put, Applicant submits that this invention is not obscured by original claims 76-357 and reconsideration of the rejection is respectfully requested.

In addition, in order to advance prosecution, Applicant hereby selects 75 of the originally submitted claims for which examination is requested in the event the multiplicity rejection under 35 U.S.C. § 112, second paragraph, is continued. These claims include 76-141, 142, 166, 173, 215, 240, 247, 285, 313 and 320.

Accordingly, reconsideration of the rejection is respectfully requested along with consideration of at least the above enumerated 75 claims on their merits. A Notice of Allowance for at least these claims, as well as the additional dependent claims dependent from claims 142, 215 and 285, not specifically set forth above, is respectfully requested.

Respectfully submitted,

NIALL R. LYNAM

By: Van Dyke, Gardner, Linn & Burkhart, LLP

AUGUST 23, 2002  
Date

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